

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.1086 of 2020**

Arising Out of PS. Case No.-152 Year-2019 Thana- BHAGWANPUR District- Begusarai

NITISH KUMAR @ NITISH CHOUDHARY @ NITISH KUMAR SINGH
@ NITISH SINGH S/o Rambaran Singh @ Rambaran Choudhary R/o
village- Manopur, P.S.- Bhaganwapur, District- Begusarai

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr. Ram Sumiran Rai, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 01-06-2020 This application has been placed for consideration

by the order of the Hon'ble the Chief Justice through virtual

court proceeding.

Heard learned counsel for the appellant and
learned Special P.P. for the State.

The appellant in the present appeal is seeking
regular bail in connection with Bhagwanpur P.S. Case No.
152/2019 (G.R. No. 704/2019) for the offences under
Sections 147/341/323/380/387/504/506 & 354(B) of the
Indian Penal Code, Section 25 (1-b)a, 26, 27 of the Arms
Act & Section 3(r)(s) of SC/ST Act, pending in the court of
learned Special Judge, SC/ST (Prevention of Atrocities)
Act, Begusarai.



Learned counsel for the appellant submits that the First informant Report (Annexure '1') contains the name of the appellant but there is no specific allegation against him. It is submitted that prior to the present F.I.R., father of the co-accused Bittu had lodged one F.I.R. against the informant and others as back as on 28.06.2019 under various sections of the Indian Penal Code and the present F.I.R. is only by way of retaliation to the said F.I.R.

Learned counsel submits that after investigation police has submitted charge-sheet under the bailable sections of the Indian Penal Code, however the provisions of SC/ST (Prevention of Atrocities) Act has been added. The appellant is in custody since 01.02.2020, investigation against him is complete and if released on bail there is no chance of tampering with the evidence or to adversely affect the course of trial.

Learned Special. P.P. has opposed the prayer for regular bail of the appellant.

In the given facts and circumstances of the case considering that there is general and omnibus allegation against the appellant, the fact that father of the co-accused



had earlier lodged the case against the informant and that the police has completed the investigation of the case and except the provision of SC/ST (Prevention of Atrocities) Act all other provisions of the Indian Penal Code under which charge-sheet has been filed are bailable, let the appellant above-named be released on bail in connection with Bhagwanpur P.S. Case No. 152/2019 arising out of G.R. No. 704/2019 on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (POA) Act, Begusarai, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police



officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the appellant.

This application stands disposed of.

(Rajeev Ranjan Prasad, J)

Rajeev/Arvind

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

